

CERTIFIED TRUE COPY

PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY
Division of Law, Fifth Floor
124 Halsey Street
P. O. Box 45029
Newark, New Jersey 07101
Attorney for State Board of Pharmacy

FILED

DEC 12 2003

BOARD OF PHARMACY

By: Marianne W. Greenwald
Deputy Attorney General
Tel. (973) 648-4876

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION	:	Administrative Action
OR REVOCATION OF THE LICENSE OF	:	
	:	
MICHAEL STAVITSKI	:	PROVISIONAL ORDER
	:	OF DISCIPLINE
	:	
TO PRACTICE PHARMACY IN THE	:	
STATE OF NEW JERSEY	:	
	:	
and	:	
	:	
IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE PERMITS OF	:	
	:	
WINKY, INC. D/B/A WALL	:	
PHARMACY, STAVCO, INC.	:	
D/B/A AVON PHARMACY, and	:	
JR. MICK, INC. D/B/A BELMAR	:	
PHARMACY	:	
	:	
TO OPERATE A PHARMACY	:	
IN NEW JERSEY	:	

This matter was opened to the New Jersey State Board of
Pharmacy upon receipt of information which the Board has reviewed

and on which the following preliminary findings of fact and conclusions of law are made;

FINDINGS OF FACT

1. Respondent Stavitski was a pharmacist in the State of New Jersey and had been a licensee at all times relevant hereto.

2. Winky, Inc. d/b/a Wall Pharmacy, Stavco, Inc. d/b/a Avon Pharmacy, and Jr. Mick, Inc. d/b/a Belmar Pharmacy.

3. On November 10, 2003 respondents pled guilty to the second degree crimes of Health Care Claims Fraud in New Jersey Superior Court, Monmouth County. Specifically, from January 2001 through August 2001, respondents admitted to knowingly submitting fraudulent health care claims to Medicaid and released all claims to \$1,110,535.20 controlled by the State.

4. Sentencing will occur on February 13, 2004.

CONCLUSIONS OF LAW

1. The above pleas of guilt provide grounds for the suspension of his license to practice pharmacy and his right to operate a pharmacy in New Jersey pursuant to N.J.S.A. 45:1-21(f) in that the crimes of which respondents have pled guilty to are ones of moral turpitude and relate adversely to the practice of pharmacy.

ACCORDINGLY, IT IS on this 10th day of DECEMBER, 2003,

ORDERED that:

1. Respondent's license to practice pharmacy and respondents' permits to operate Avon Pharmacy, Belmar Pharmacy and Wall Pharmacy in the State of New Jersey shall be be and hereby are provisionally revoked.

2. The within Order shall be subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry hereof unless respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by: _____

(a) Submitting a written request for modification or dismissal to, Joanne Boyer, Executive Director, State Board of Pharmacy, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.

(b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

(c) Submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor or offered in mitigation of penalty.

4. Any submissions will be reviewed by the Board, and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that submitted materials merit further consideration, a Final Order of Discipline will be entered.

5. In the event that respondents' submissions establish a need for further proceedings, including, but not limited to, an

evidentiary hearing, respondents shall be notified with regard thereto. In the event a hearing is held and/or upon further review of the record, the Board shall not be limited to the findings, conclusions, and sanctions contained herein.

NEW JERSEY STATE BOARD OF PHARMACY

By: Edward G. McGinley
Edward G. McGinley, President